

October 21, 2016

The Honorable Matt Rodriquez
Secretary
California Environmental Protection Agency (CalEPA)
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Dr. Laura Zeise
Acting Director
Office of Environmental Health Hazard Assessment (OEHHA)
P.O. Box 4010
Sacramento, CA 95812-4010

Re: Comments on CalEnviroScreen 3.0

Dear Secretary Rodriquez and Director Zeise:

I write on behalf of the City of San José to express concern with the proposed Draft CalEnviroScreen 3.0. The proposed CalEnviroScreen 3.0 does not adequately recognize Disadvantaged Communities (DACs) based on San José's unique and local economic conditions. Eight existing DACs will not be recognized by this update. Members of these communities continue to struggle with the region's very high cost of living, pay inequity, overcrowding and displacement. It is important that 3.0 be altered to recognize and account for this on-going challenge.

The removal of these eight DACs would limit the City's ability to fund greenhouse gas (GHG) reducing transportation projects and transit-oriented affordable housing developments that address socio-economic, environmental, and public health factors. This change could also lessen San José's ability to establish viable Community Revitalization Authorities under AB 2 (Alejo).

As an example, two census tracts in East San José – 6085503709 and 6085503712 – are no longer DACs in CalEnviroScreen 3.0. These census tracts are located in a community of concern with high concentrations of low-income and minority populations. These two neighborhoods include the McKee Avenue corridor, which is one of fourteen top priority Vision Zero priority transportation safety corridors in the City. These Vision Zero corridors have the highest number of traffic collisions that result in severe injury or death in the City. The City is actively looking to build transportation safety improvement projects in these areas using funding sources like the Highway Safety Improvement Program (HSIP) and the Active Transportation Program (ATP).

As BART to Silicon Valley comes to East San José, additional development pressure will likely impact the community through higher housing costs and displacement. Specifically, these two census tracts are in areas of overcrowding where roughly 50% of the homes are not affordable to the people living there. Programs like the Affordable Housing and Sustainable Communities Program (AHSC) have become important funding tools following the shuttering of California's Redevelopment Agencies.

It is also concerning because DACs are being used for an increasing number of state funding programs, including for purposes different from those it was originally intended for. For example under AB 2 (Alejo), Community Revitalization Authorities (CRA) can be established if certain unemployment, crime and infrastructure needs are present. In addition, a census tract can qualify for CRA purposes if it is a DAC under section 39711 of the Health and Safety Code. Changes that reduce the number of DAC census tracts in San José could limit the usefulness of CRAs in San José.

As stated in a Cal EPA memo from October 2014, "In practice...there is no universal definition for disadvantaged communities." Some state programs use the Safe Drinking Water Act definition, others use a median household income threshold, and others use a statutory definition. We request that the metric for measuring "Disadvantaged Communities" meets the intent of each program that uses it.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norberto Dueñas", with a stylized flourish at the end.

Norberto Dueñas
City Manager